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**CERTIFIED MAIL – RETURN RECEIPT REQUESTED**
**NUMBER: 7011 3500 0002 9934 4091**

Dear Dr. Johnson:

This letter is in response to your objection of the Trapper Creek Vegetation Management project located on the Wise River and Dillon Ranger Districts of the Beaverhead-Deerlodge National Forest. I have read your objection and reviewed the August, 2014 Environmental Assessment (EA), the draft Decision Notice (draft DN), and the project file, as well as considered the comments submitted during the opportunities for public comment for this project. Based on this review, conducted in accordance with 36 CFR 218, I understand the disclosed environmental effects of this project.

## PROJECT OVERVIEW

The purpose of the Trapper Creek Vegetation Management Project is to reduce conifer encroachment in riparian areas, shrublands, and grasslands in the project area in order to move the project area towards achievement of a Forest Plan Objective for vegetation (Forest Plan, pp. 43 to 44). The project would treat over 3,300 acres in the Trapper, Canyon, Cherry, Browns, and Rock Creek watersheds. Unit-specific treatment methods include:

1. Cut and burn concentrations
2. Burn concentrations
3. Cut conifers and broadcast burn
4. Broadcast burn
5. Lop and scatter

Of particular note is that this project includes NO timber harvest or any other commodity production. It only includes habitat restoration of riparian areas, shrublands, and grasslands.

## RESOLUTION MEETING

The 36 CFR 218 regulations allow for the parties to meet in order to discuss and possibly resolve the issues addressed in your objection. A resolution conference call was scheduled with me on November 7, 2014, but the objectors did not call in. Later that day, Forest Supervisor Melany Glossa, the Responsible Official called Sara Jane Johnson and discussed the project.

During the phone conversation, Ms. Glossa discussed concerns about this project with Ms. Johnson in an attempt to resolve the objection. While they were unable to resolve the objection, it appears the objector's primary issue revolves around a concern that the Forest is fighting a

natural process (vegetative succession from grass/shrubland to forest land). While the Forest Supervisor agreed vegetative succession is a natural process; she must also consider the effects of more than 100 years of post-European settlement in the overall landscape. In the absence of fire, grass/shrublands in the project area naturally transition to forest lands.

However, prior to European settlement, wildfire was also a part of the natural process. While we can debate historical wildfire frequency in various vegetation communities in the Intermountain West and Northern Rockies, we consistently return to the fact that in mountain big sagebrush, aspen, willow, and mountain mahogany communities in southwest Montana, extensive, natural wildfire has been limited due to human activity for more than a century. Vegetative succession has, and will continue, to reduce the presence of grass/shrublands on the landscape and habitat for the wildlife depending on these vegetative communities. This decision removes conifers in the project area to reverse the natural vegetation succession, so grass/shrubland vegetation and habitat remains, even in the absence of historical fire processes.

## OVERVIEW OF PRE-DECISIONAL OBJECTION PROCESS

The 36 CFR 218 regulations provide for a pre-decisional administrative review process in which the objector provides sufficient narrative description of the project, specific issues related to the project, and suggests remedies that would resolve the objection (36 CFR 218.8). You had standing to object (36 CFR 218.5) based on your response submitted in March 2010 to a request for public input during the scoping period. You did not supply comments on the April 2014 EA (Project File, Section B6), therefore your specific written comments are those you supplied during the scoping period. Your objection fulfilled the requirements of 36 CFR 218.8, and was mailed within the objection time period (36 CFR 218.9). Therefore, I reviewed your objection.

## RESPONSE TO ISSUES

As specified at 36 CFR 218.11(b), I must provide a written response that sets forth reasons for my response. However, this written response need not be point-by-point. The responsible official and I have reviewed the project in light of the issues presented in your objection letter. I have considered your issues and suggested remedies and included reasons for my response to these issues and suggested remedies, which are detailed below.

### *Issue 1. The Forest Plan*

**Issue 1A: You allege the Forest will violate NEPA and NFMA if the Trapper Creek Project is implemented because the Forest Plan did not identify acres or location of conifer encroachment in sagebrush, the Forest Plan has no indicator species for sagebrush and ecotone habitats, and the Forest Plan fails to monitor management impacts to wildlife on 74,000 acres where treatments are planned. As a result, you contend this will have significant detrimental impact on some species viability and diversity. Furthermore, you allege the Forest Plan does not have management objectives and standards for MIS elk winter range and fawning/calving habitat and that many of these winter range/calving/ fawning areas lie within the 74,000 acres of encroachment areas that are to be treated with the Trapper Creek project.**

**Suggested Remedy:** You recommend amending the Forest Plan: 1) to define how much sagebrush habitat has been impacted by burning in the past and how much will be impacted by the proposed treatment of 74,000 acres of ecotone areas; 2) to measure, map, and develop conservation measures for ecotones; 3) to identify MIS for sagebrush/conifer ecotones; 4) to provide specific habitat standards for nongame wildlife within sagebrush/conifer ecotones; 5) to identify habitat standards for elk winter range and elk calving habitat in ecotones; and 6) to include a management standard to protect all remaining sagebrush stands on the Forest from destruction by prescribed burning.

**Verification Issue Raised During Public Comment Opportunities:** Neither NEC nor AWR identified this concern in response to initial scoping. Rather, NEC requested evaluation of species of concern vulnerable to habitat losses of sagebrush and juniper/woodland and ecotonal areas (Project File, Doc. B1-10, p. 2, #19).

**Response:** Even though you do not have standing to raise this issue during the objection period (as you did not identify this concern during scoping), I will point out you did raise this issue in your appeal of the Beaverhead-Deerlodge Forest Plan under 36 CFR 217. The Reviewing Officer for the Chief affirmed the 2009 ROD approving the Forest Plan, after considering this issue and the analyses of vegetation, viability, and wildlife habitat in the 2009 FEIS. The Appeal Decision stated the Forest Plan and its associated management direction adequately provides for wildlife species viability and provides necessary management direction to achieve conservation of individual species at the project level. In addition, the Forest Plan (pp. 45, 47, 49) provides goals, objectives, and standards for managing sagebrush habitat. The BDNF does monitor the MIS elk, as specified in the Forest Plan. The Reviewing Officer for the Chief determined that supplementing the 2009 Forest Plan FEIS with more analysis and/or amending the Forest Plan was not warranted for this issue.

**Issue 1B: You allege the Forest will violate NEPA and NFMA because the Forest Plan lacks direction or analysis for vegetative management actions in Inventoried Roadless Areas (IRAs).**

**Suggested Remedy:** Amend the Forest Plan to evaluate compliance with the Roadless Area Conservation Rule for managing sagebrush/conifer ecosystems within IRAs. Amend the Forest Plan to address lack of analysis and why management will occur.

**Verification Issue Raised During Public Comment Opportunities:** Neither NEC nor AWR identified this concern in the 2009 appeal for the Forest Plan ROD filed pursuant to 36 CFR 217 (FP I2-01 and I2-03). The concerns you raised about inventoried roadless areas addressed boundary changes and commercial logging. Regarding the Trapper Creek project, neither NEC nor AWR identified this concern in response to initial scoping (B1-6 and B1-10).

**Response:** This issue concerning the 2009 Forest Plan FEIS was not previously raised in the appeal of the Forest Plan nor was it raised in the response to scoping on the Trapper Creek project. I will, therefore, not review this project-specific objection. I would like to point out, however, the Roadless Area Conservation Rule includes a limited authorization of timber cutting for the purpose of maintaining or restoring the characteristics of ecosystem composition and structure, which is what the Trapper Creek project is doing.

Also, the Beaverhead-Deerlodge Forest Plan FEIS (p. 290) discusses the effects from vegetation management on IRAs where vegetation and fuel treatment designed to increase aspen stands, reduce conifer encroachment, reduce fuels, maintain some level of old growth, and trend toward naturally functioning ecosystems are desirable in IRAs because these actions help restore natural conditions.

### *Issue 2 Public Involvement*

**Issue 2A: You allege the Forest will violate NEPA by failing to provide clear information regarding citations of the literature because there are no page numbers cited for references, and no brief summaries of what the reference concluded. You state the Forest failed to demonstrate that the citation of various references was accurate.**

**Suggested Remedy:** No remedy was recommended by the objector.

**Verification Issue Raised During Public Comment Opportunities:** Neither NEC nor AWR identified this concern in response to initial scoping. However, since the EA had not been developed at that point, I am considering this a new issue and that you have standing to raise it.

**Response:** Author and year are appropriately referenced in the EA. References are listed in the EA (pp. 302 to 329) and complete copies of cited references are available in Section D of the project record. Scientific findings applicable to the project area and activities are appropriately disclosed within the context of the entire published reference. Conversely, cherry-picking sentences without consideration of the entire reference would have been inappropriate. I find the Forest appropriately cited literature used for analysis. Listing page numbers and providing summaries of cited references are not required under NEPA regulations.

**Issue 2B: You allege the Forest will violate NEPA by claiming the project is not controversial, thus avoiding an EIS. You state that NEC and AWR have demonstrated this project is controversial by filing an appeal against the project on April 11, 2011, and filing a legal challenge to the project in December, 2012, therefore an EIS is required.**

**Suggested Remedy:** The objector suggests an EIS be completed for the project.

**Verification Issue Raised During Public Comment Opportunities:** NEC did comment that an EIS was required, but only due to purported alteration of wildlife habitat in IRAs (B1-10, p. 1, #1), not due to controversy.

**Response:** NEC and AWR did demonstrate *disagreement* with the 2012 Trapper Creek Decision Notice when filing an appeal and legal challenge. This, however, does not demonstrate controversy. Case law defines controversy as "substantial dispute exists as to the size, nature or effects of the major federal action rather than to the existence of opposition…"

The significance of the environmental effects (as defined in 40 CFR 1508.27) of a proposed action determines whether an EIS must be prepared. An environmental assessment is prepared to determine whether to prepare an environmental impact statement or a finding of no significant

impact (40 CFR 1508.9 (a)). Accordingly, an environmental assessment was prepared for the Trapper Creek Project in compliance with the National Environmental Policy Act.

The EA and draft FONSI clearly show that the project will not have significant impacts on the human environment and support a finding of no significant impact for both context and intensity. Thus, an environmental impact statement is not required for the Trapper Creek Project. The documentation of the project is in compliance with NEPA.

**Instruction to the Forest:** Add wording to DN/FONSI describing the case law definition of controversy as "substantial dispute exists as to the size, nature or effects of the major federal action rather than to the existence of opposition."

**Issue 2C: You allege the Forest is violating NFMA and NEPA by failing to clearly identify with a map (MFWP, 2003) occupied sage-grouse habitat in the Trapper Creek project area.**

**Suggested Remedy:** No remedy for was recommended by the objector.

**Verification Issue Raised During Public Comment Opportunitie**s: Neither NEC nor AWR (B1-6 and B1-10) identified an issue with sage-grouse habitat or mapping of habitat in response to initial scoping, even though the 2003 MFWP map was available at the time.

**Response:** Since you did not identify your concerns about sage grouse habitat and mapping in response to initial scoping, the issue is not properly before me (36 CFR 218.8(c)). I will not address this issue other than to say the EA does address and analyze the effects of the project on sage grouse habitat. The analysis and maps are in compliance with NFMA and NEPA.

However, I would like to clear up some confusion brought about by various names for the same mapped habitat. Concurrent mapping efforts of sage-grouse habitat have led to many different naming schemes resulting in various designations for synonymous delineations. The USFWS identifies Priority Areas for Conservation (PACs) which have substantial overlap with the Preliminary Priority Habitat (PPH) maps the BLM is developing for range-wide Resource Management Plan revisions. In Montana, PPH is delineated based on MFWP's Core Areas using a model based on male lek attendance and refined with seasonal habitat, telemetry, connectivity information, and field review. Occupied habitats not identified as Core Areas are delineated as Preliminary General Habitat (PGH) (A2-3 p. 192). The Sage-grouse Map provided in the EA displays PPH, PGH, and known leks (distinguishing active and inactive) within the analysis area (A2-7, Appendix A; Map 9).

In Montana, PAC (USFWS), PPH (BLM), and Greater Sage-Grouse Core Areas Designation (MFWP) are synonymous and represent the same delineation of occupied habitat in the map provided by the objector in Appendix C. The sage grouse map in the EA Map Packet clearly identifies sage grouse habitat and leks in relation to the Trapper Creek project units.

**Issue 2D: You allege the Forest will violate the Objection Process pursuant to 36 CFR 218, subparts A and B because there was no scoping period for this objection process and the agency failed to provide NEC and AWR notice of a 30-day comment period.**

**Suggested Remedy:** No remedy was recommended by the objector.

**Verification Issue Raised During Public Comment Opportunities:** Neither NEC nor AWR identified this concern in response to initial scoping. Rather, NEC noted the scoping comment period was only 2 weeks (B1-10, p. 1) and AWR commented the agency needs to give the public 45 days to respond, after noting, as of March 10, 2010, he had yet to receive the February 26, 2010 scoping notice (B1-6, p. 2). Since this is a new issue after the 2010 scoping period, I will address the issue.

**Response:** A 45-day response period is given for Notices of Intent published in the Federal Register for EISs, not EAs. Since the Trapper Creek Vegetation Management project is documented in an EA, the 45-day requirement does not apply to the Trapper Creek project.

Scoping was appropriately conducted in February, 2010. Scoping is conducted on a proposed action, not a particular NEPA document. While scoping could be conducted more than once, at the responsible official's discretion, there is no requirement in 36 CFR 218, 36 CFR 220.4(e), or 40 CFR 1501.7 that scoping be done more than once for a proposed action. Both NEC and AWR were mailed the scoping notice and responded, in writing, to the request for scoping comments in early 2010. A legal notice initiating the required 30-day comment period for the April 2014 EA was published in the newspaper of record. In addition, electronic copies of the April 2014 EA and draft DN and draft FONSI were mailed to NEC and AWR at their addresses on record, which are the same addresses listed at the end of your objection. The EA, draft DN and draft FONSI were posted on the BDNF web page and the SOPA was updated, as required in 36 CFR 218.7. The use of the 2010 scoping and the use of a legal notice to announce the required 30-day comment period on the EA are in compliance with 36 CFR 218.

### *Issue 3 Inventoried Roadless Area*

**You allege the Forest will violate the Roadless Area Conservation Rule with the Trapper Creek project because the management actions of the project are "inconsistent with the purpose of IRAs, where natural processes are to occur without interference from management."**

**Suggested Remedies:**

- Provide acres treated in IRA.
- Do not burn sagebrush habitats anywhere, including where conifers have been piled. If burning of cut conifers is needed, do so outside of sagebrush habitats to avoid destruction and fragmentation of sagebrush.
- Only reduce conifers "within" rather than adjacent to sagebrush stands that occur within currently designated "occupied" sage-grouse habitat, as defined by the 2003 MFWP map.

**Verification Issue Raised During Public Comment Opportunities:** NEC raised this issue during response to initial scoping specifically requesting preparation of an EIS due to alteration of wildlife habitat in IRAs and failure to identify an exemption for burning and wildlife habitat destruction in the Roadless Area Conservation Rule (B1-10, p. 1, #1-3).

**Response:** The Roadless Area Conservation Rule does not prohibit natural resource management, and nowhere does it state the purpose of IRAs is to be a place "where natural processes are to occur without interference from management."

The project meets 36 CFR 294.13(b)(1)(ii) of the 2001 Roadless Rule exception. In June 8, 2012, the Chief re-delegated authority to approve the cutting, sale, or removal of generally small-diameter timber when needed to maintain or restore the characteristics of ecosystem composition and structure, such as to reduce the risk of uncharacteristic wildfire effects within the range of variability that would be expected to occur under natural disturbance regimes of the current climatic period. Upon reading the EA and draft DN, it is clear the purpose of the Trapper Creek project is to maintain or restore the characteristics of ecosystem composition and structure.

The draft DN (pp. 13 to 16) and EA (p. 101) disclose that two IRAs overlap the project area where treatment units are located: the East Pioneer (1-008B) and Cattle Gulch (1-010) IRAs. The EA then analyzes the effect the project will have on the two IRAs and the contiguous and non-contiguous unroaded areas (EA, pp. 101 to 133). The direct and indirect effects of the no action and proposed action on the two IRAs are disclosed (pp. 108 to 123), and the analysis specifically addresses the "natural" wilderness attributes. It concludes that the proposed action will generally increase the health and vigor, diversify age classes, and promote the enhancement of presently declining native vegetation. This will help maintain the natural character of these two IRAs in the long-term (A2-3 pp. 110 and 120).

The draft DN/FONSI discusses the impacts the project would have on roadless areas (pp. 13 to 16) and concludes there would not be any significant impacts (p. 20). The draft DN (p.19) discloses that actions in the Trapper Creek EA are similar in nature and effects to actions implemented on the BDNF in recent years, and do not establish a precedent for future actions (A1-4 and DN, p.19).

I find the Forest did disclose in the EA that the proposed project will occur in two IRAs. The Forest adequately showed maps depicting the units that fall within the IRAs. However, there is no discussion of the number of acres treated in the IRAs or acres treated outside the IRAs. It would be clearer to the reader if the number of acres of treatment in the two IRAs and outside of the IRAs were presented in the EA and DN. The EA, draft DN and draft FONSI are in compliance with the Roadless Rule, NFMA, and NEPA.

**Instructions to Forest:** State in the FONSI (p. 14) under the Inventoried Roadless discussion that roughly 90% or about 2,963 acres are proposed to be treated in two IRAs. About 375 acres (Units 1, 3, 30, 40, and 55) fall outside of the two IRAs. This information should also be carried into the IRA write up in the EA.

Bring forward and discuss in the DN that Unit 15 has already been completed and will not be included in Alternative 2 (A2-3, p. 14). In the EA (p. 14), the Forest stated that Unit 15 was completed and would not be included in the alternative. However, in the EA (p. 103) under *Areas Analyzed for Wilderness Attributes*, deleting Unit 15 from the actions of Alternative 2 still needs to be done.

To aid in clarity, label, title, and/or give the maps a page number. Refer to the maps in the IRA write up.

### *Issue 4 Aspen & Willow*

**You allege the Forest will violate NFMA and NEPA by promoting the loss of vegetative diversity provided by aspen while falsely claiming aspen will benefit from the treatments.**

**Verification Issue Raised During Public Comment Opportunity(ies):** Neither NEC nor AWR identified concerns about aspen or willow in response to initial scoping (B1-6 and B1-10).

**Response**: Since you did not identify your concerns about aspen or willow in your response to the initial scoping, the issue of aspen and willow impacts is not properly before me (36 CFR 218.8(c)), so I will not address this issue other than to say the EA does address and analyze the impact to aspen and willow as required by NEPA and NFMA.

### *Issue 5 Sagebrush Burning*

**Issue 5A: You allege the agency's management is being driven largely by targets, whereby the lowest cost for treating the greatest amount of acres is required, rather than management of wildlife habitat.**

**Suggested Remedy:** The objector did not suggest any remedies.

**Verification Issue Raised During Public Comment Opportunity(ies):** Neither NEC nor AWR identified concerns about management targets and cost in response to initial scoping (B1-6 and B1-10). You did comment that burning would only serve to accomplish targets (A2-2, p. 78, c. 4.13; p. 93, c. 4.44; p. 101 c. 4.70).

**Response**: Since you did not identify your concerns about management targets and costs in your response to the initial scoping, the issue of management targets and cost is not properly before me (36 CFR 218.8(c)), so I will not address this issue other than to say the EA does include and analyze the effect project activities, including burning, would have on the project area and that the results of the project would assist the Forest in meeting Forest Plan objectives for vegetation management, in compliance with NEPA and NFMA.

**Issue 5B: You allege the invasion of sagebrush by Douglas-fir is likely not generally due to fire exclusion, but to other factors, and that control of conifer encroachment in sagebrush habitats for ecological restoration is premature.**

**Suggested Remedy:** The objector did not suggest any remedies.

**Verification Issue Raised During Public Comment Opportunity(ies):** NEC raised this issue during response to initial scoping specifically stating "There is a growing body of current science that suggests that most habitats in the northern Rockies bioregion, including sagebrush, juniper,

and ecotonal areas, have not missed a fire cycle…" (B1-10, p. 1, #4). Conversely, NEC also requested, "Please discuss the current science in your analysis that suggests fire cycles have **not** [emphasis added] been altered since human settlement" (B1-6, p. 2, #5).

**Response:** Though other factors may be involved (A2-3 p. 185), fire plays a dominant role in structuring the sagebrush ecosystems through reducing conifers, promoting perennial grass and forb growth, facilitating nutrient cycling, and maintaining a structurally diverse mosaic within the sagebrush landscape. This is well supported in the literature (A2-3 pp. 177 to 178, 184 to 185).

The most widely accepted approach to ecosystem maintenance is restoring natural ecosystem processes such as fire (A2-3, p. 17, citations within). Prescribed fire is increasingly being applied by natural resource managers to sagebrush stands suffering from tree encroachment, to drive spatial and temporal heterogeneity and carefully restart a fire cycle previously stalled by fire suppression (PF, Section D, Davies, Bates, Boyd, and Nafus, 2014, p. 422; and Davies, Boyd, Beck, Bates, Svejcar, and Gregg, 2011, p. 2581 Fire Section). The analysis and use of information is in compliance with NEPA.

**Issue 5C: You allege the proposed reduction and fragmentation of sagebrush habitats in the Trapper Creek Project area through burning will be a long-term impact.**

**Suggested Remedy:** Objector did not suggest any remedies.

**Verification Issue Raised During Public Comment Opportunity(ies):** Neither NEC nor AWR identified this specific concern during initial scoping. However, NEC raised a related issue during response to initial scoping specifically stating, "There is a growing body of current science that suggests that most habitats in the northern Rockies bioregion, including sagebrush, juniper and ecotonal areas, have not missed a fire cycle…" (B1-10, p. 1, #4). Conversely, NEC also requested "Please discuss the current science in your analysis that suggests fire cycles have **not** [emphasis added] been altered since human settlement" (B1-6, pg. 2, #5). No reference to long-term fragmentation of sagebrush habitats was provided.

Specific comments have not previously been provided about the Baker papers (2006, 2009, 2011) or Burkoski and Baker (2013), though all were available during the April 2014 EA comment period.

**Response**: Baker (2006, 2011) introduced the concept of a correction factor to account for the ignition ratio (lightning strikes per fire) in forests vs. shrublands, and summarized fire frequency data from other authors, in addition to his corrected estimates. This new approach has not been widely accepted or applied.

Determining accurate pre-settlement fire return intervals can be limited and variable estimates are largely attributed to local site conditions (EA, pp. 12, 34). A range of potential estimated post-burn recovery rates such as Baker (2006, 2011) and Burkosi and Baker (2013) were considered; but using local research such as (Lesica, Cooper, and Kudray, 2007, p. 266; Heyerdahl, Miller, and Parson, 2006, pp. 114 to 115) and the Forest's own monitoring

information collected in and around the project area (B8-1) is more appropriate and provides the most accurate estimates of potential post-burn recovery rates for this site (EA, p. 69, 184).

Long-term effects to wildlife from the Trapper Creek project were determined by the time-frame in which it takes conifers to become the dominant vegetation that influences ecological processes (A2-3, p. 177), and by reported southwest Montana sagebrush recovery rates (Lesica, Cooper, and Kudray, 2007, p. 266; Heyerdahl, Miller, and Parson, 2006, pp. 114 to 115). In the absence of fire, Douglas-fir seedlings reach sapling size generally within 20 years and begin suppressing the understory in 45 to 50 years. Thus, fire return intervals greater than 50 years are not sufficient to control their encroachment (Miller, Bates, Svejcar, Pierson, and Eddleman, 2005, pp. 11, 25).

Conifer expansion and conversion of sagebrush into forests fragments habitat, and limits connectivity within home ranges. It increases predation pressure by forcing birds to nest in marginal habitat, directly competes for resources with shrubs, grasses and forbs, and is increasing at an unprecedented rate (A2-3 pp. 176, 197, 198, 201, 202). Passive management only serves to expedite this process. The analysis and use of information is in compliance with NEPA.

**Issue 5D: You state, "The agency claims that creating new age classes of sagebrush by killing existing older sagebrush will benefit sagebrush ecosystems… The science supporting this claim was never provided, although the agency did claim that historically fire maintained a mosaic of sagebrush age classes. This has been directly contradicted by recent research, including that by Baker (2009), Baker (2011), and Burkoski and Baker (2013)."**

**Suggested Remedy:** Objector did not suggest any remedies.

**Verification Issue Raised During Public Comment Opportunity(ies):** NEC raised related questions during response to scoping, specifically stating "When the statement is made that burning will occur in a mosaic, please define what this means. What will the patch sizes of burned areas be, and what will the patch sizes of unburned areas be? Will all vegetation types, such as sagebrush, be burned equally, regardless of canopy cover? Or will just the dense patches of sagebrush be burned and the unburned areas will be areas where little sagebrush exists?" No specific comments were provided about Baker papers (2006, 2009, 2011) or Burkoski and Baker (2013), though all were available when the April 2014 EA was provided for comment.

**Response**: Sagebrush ecosystems are one of the most endangered vegetation communities in the United States, with conifer expansion recognized as a substantial threat resulting in the loss and fragmentation of sagebrush habitats (A2-3 p. 39, 176 sagebrush section). Conifers were present in over 85% of the Forest's survey plots. Treatment of encroached sagebrush is critical if the Forest is to retain these communities. Application of prescribed fire in seral grasslands invaded by Douglas-fir may entail short term reductions of sagebrush in some locations in order to achieve long-term gains (A2-3, p. 63).

Fires naturally burn in a mosaic of severities and prescribed fire is an effective tool to create and maintain multi-structure mosaics in the mountain big sagebrush subspecies (A2-3 p. 70, 182). A mosaic burn would have long-term benefits through diversifying age class and improving resilience (Pedersen, Connelly, Hendrickson, and Grant, 2003, p. 42; McAdoo, Schultz, and Swanson, 2013, p. 250). The EA discusses the mosaic burning pattern and says the mosaic pattern is enhanced by burning while snow patches remain in the burn unit (EA, pp. 60 to 61).

Resilient vegetation communities have a mosaic of species and age classes and are able to sustain a variety of disturbance processes. Conifer establishment directly adversely impacts this resiliency in southwest Montana (Grove, Wambolt, and Frisina, 2005; Gruell, Brown, and Bushey, 1986, and A2-3, p. 177). Prescribed burning (including broadcast and jackpot of slash concentrations) decreases potential wildfire severity through disrupting fuel continuity and improves site resiliency by restoring the perennial herbaceous understory and diversifying sagebrush age classes (McAdoo, Schultz, and Swanson, 2013, A2-3 p. 184). Prescribed burning can elicit positive, short-term (<10 years) response in the native herbaceous understory in mountain big sagebrush stands which could improve forage opportunities and provide nesting concealment (Davies, Boyd, Beck, Bates, Svejcar, and Gregg, 2011; Wrobleski and Kauffman, 2003; Pyle and Crawford, 1996). The analysis and the use of best available science are in compliance with NEPA.

**Issue 5E: You allege the Forest will violate NEPA and NFMA by claiming treatment impacts, including burning, will be largely beneficial to wildlife, including sensitive species sage-grouse and their brood-rearing habitat, pygmy rabbit, and various Montana Species of Concern and USFWS Birds of Conservation Concern without any supporting analysis.**

**Verification Issue Raised During Public Comment Opportunity(ies):** Objector raised concerns about how burning in a mosaic pattern as described in the burning MOU with the State will provide habitat for sagebrush species (B1-10 # 18) and how burning in general will impact sagebrush-associated species. NEC requested evaluation of "…impact of the project on migratory songbirds as per the MOU with the FWS" and "…various Montana species of concern (Natural Heritage Program) that are currently considered vulnerable due to habitat losses of sagebrush and juniper/woodland and ecotonal areas" (B1-10 #18-19).

Though all of the literature cited in this issue by the objector was available at the time of the comment period of the EA, none were specifically referenced during public comment opportunities. Several, however, *were* considered in the EA: Baker (2006) A2-3 p. 32, 69, 177; Baker (2011) A2-3 p. 49, 178, 182; Bukowski and Baker (2013) A2-3 p. 177, 182; Grove et al. (2005) A2-3 p. 30, 48, 175, 177; Johnson et al. (2011) A2-3 pp. 191, 198; Welch and Criddle (2003) A2-3 p. 32, 177; Wisdom et al. (2011) A2-3 p. 196, 197, 201.

**Response:** The primary rationale behind determining that this project will have beneficial impacts to sagebrush species is that sagebrush habitat in the project area is currently largely unsuitable for sagebrush-associated species due to ongoing conifer colonization. Notable negative impacts from conifer encroachment have been documented at many scales, primarily for sage-grouse, though similar responses are expected from other sagebrush associated species

such as the pygmy rabbit and migratory species of conservation concern (A2-3 pp. 198 to 204, 224 to 225, 234).

Habitat suitability was considered at the broad, mid, and fine scales in the EA (PF, Doc. A2-3 pp. 198 to 204) using the Habitat Assessment Framework (Stiver, Rinkes, Naugle, Makela, Nance, and Karl, 2013) and Management Plan and Conservation Strategy for Montana (MSGWG, 2005).

Removal of conifers would have immediate beneficial impacts to potential sagebrush habitat-using species through eliminating predator perches and the predator nesting structures. Secondary impacts from using prescribed fire to remove conifer include: diversifying sagebrush age classes, improving riparian condition, and increasing sagebrush and herbaceous vigor overall. The long-term effects of implementing this project are beneficial to sagebrush habitat-using species through forestalling woodland development. Any potential short-term negative impacts to individuals during implementation would be avoided with mitigations (A2-3, p. 204-207, 224-225, 234 and citations within). Passive management resulting in further conifer expansion is detrimental to sagebrush-obligate wildlife because it fragments habitat; increases potential for predation; directly competes for resources with shrubs, grasses and forbs; and ultimately results in successional changes that lead to permanent undesired vegetation equating to a loss of habitat (A2-3 p. 204).

*Concerning burning*: The citations provided by you are misleading as there is no distinction between subspecies of big sagebrush. Wyoming big sagebrush is acknowledged to be less tolerant of fire than mountain big sagebrush. In the mesic mountain big sagebrush communities, the concern is often about a modern lack of fire leading to over-mature, dense stands of mountain big sagebrush and encroachment of conifers, eventually resulting in a type conversion from sagebrush-grasslands to dense woodlands (Miller and Rose 1999).

*Concerning mosaics*: Sage-grouse are known to use a mosaic of canopy cover, age classes, and herbaceous diversity (Connelly, Knick, Schroeder, and Stiver, 2004, pp. 17 to 18). Leks typically have lower canopy cover so displaying males are visible to females. Nest sites have more vertical and horizontal concealment though a combination of shrubs and particularly residual grass and are typically 5 km from a lek (Johnson et al. (2011). Brood sites have less dense sagebrush with higher proportions of understory forbs and grasses, while winter habitat requires sagebrush tall enough to overcome the snow (A2-3, p. 194 to 196). Burning in a mosaic pattern will open up the sagebrush canopy and allow for increased herbaceous growth (Doolittle burn example A2-3, p. 185) while maintaining over 50% intact sagebrush cover within the units (A2-3, pp. 191 to 192). As you point out, "The density and condition of sagebrush habitat valuable to sage-grouse is noted to be highly variable, and that characterizing habitats by single values, such as sagebrush canopy cover, is inappropriate; natural variation in vegetation and the dynamic nature of mature sagebrush stands should be considered for all habitat descriptions and prior to any management action" (Connelly, Rinkes, and Braun, 2011b, p. 83).

All of the reviewed sage-grouse management guidance documents support the use of prescribed burning in situations where conifers threaten habitat suitability and invasive plants are limited (Connelly, Schroeder, Sands, and Braun, 2000b, p. 977; MSGWG, 2005, p. 50; USFS, 2012, p.

50). Additionally, letters of support from the local and regional MFWP biologists concur that burning under MOU guidelines would not negatively impact sage-grouse because the steep, conifer encroached project area is not suitable habitat to begin with (A2-3, p. 203-204, B 3-3, B 1-13).

The interdisciplinary team has taken a hard look at the effects of the proposed action as well as describing the desired condition for the landscape and specifically considered impacts to habitat for wildlife species such as sage-grouse, pygmy rabbit, MIS, and birds of conservation concern. The EA describes assumptions and methodologies used for analysis. The EA has rebutted contradictory evidence and relies on published research and monitoring conducted specifically in SW Montana. In fact, the EA contains site-specific data for proposed treatment units that support the need for treatment in order to forestall the transition from sagebrush into woodlands. The analysis and project are in compliance with NEPA and NFMA.

**Instructions to Forest:** On page 13 of the DN remove the statement under vegetation about "the scale of treatment should provide a wider..." On page 17 under the greater sage-grouse discussion of the (FONSI) of the DN add the statement: "The primary rationale behind determining that this project will have a beneficial impacts to sagebrush species is that sagebrush habitat in the project area and overall landscape is currently largely unsuitable for sagebrush-associated species due to conifer colonization."

### *Issue 6. Additional Wildlife Issues*

**Issue 6A: You allege the diversity of species and density of species increases with conifer encroachment (Reinkensmey et al. 2007 at Abstract, 1063-1065; Rosenstock and Riper 2001 at Abstract, 229 to 231). The Forest will violate NFMA and NEPA by failing to manage for a diversity of wildlife.**

**Suggested Remedy:** The objector did not suggest a remedy.

**Verification Issue Raised During Public Comment Opportunity(ies):** Neither NEC nor AWR identified this specific concern in initial scoping comments (B1-6 and B1-10).

**Response**: Since you did not identify your concerns about the removal of conifer encroachment affecting the diversity of species and density of species in your response to the initial scoping, this issue is not properly before me (36 CFR 218.8(c)) so I will not address it other than to say the EA does address and analyze the impact the project will have on animal and plants species as require by NEPA and NFMA.

**Issue 6B: You allege the Forest will violate NEPA and NFMA by failing to evaluate treatment impacts on MIS elk and their winter range and calving habitat.**

**Suggested Remedy:** No project specific remedy was recommended by the objector.

**Verification Issue Raised During Public Comment Opportunity(ies):** In response to initial scoping, NEC requested to know what habitat plans are in place for elk winter habitat, spring

calving habitat, and summer habitat, and to see in the analysis a map of all known big game winter range in the project area (B1-10, #16-17).

**Response:** The EA clearly analyzes terrestrial wildlife (pp.172 to 180) and impacts to elk and their winter range (pp. 231 to 232). I find that the Forest did an adequate job analyzing the effects of management treatments on elk and their winter range. However, the EA does not clarify or discuss specifically the elk calving habitat and the impacts of treatments to elk calving.

**Instruction to the Forest:** The Forest needs to clarify the elk calving analysis and the impacts the management will have on elk calving habitat.

## INSTRUCTIONS

- Add wording to DN/FONSI describing the case law definition of controversy as "substantial dispute exists as to the size, nature or effects of the major federal action rather than to the existence of opposition."

- State in the FONSI (p. 14) under the Inventoried Roadless discussion that roughly 90% or about 2,963 acres are proposed to be treated in two IRAs. About 375 acres (Units 1, 3, 30, 40, and 55) fall outside of the two IRAs. This information should also be carried into the IRA write up in the EA.

- Bring forward and discuss in the DN that Unit 15 has already been completed and will not be included in Alternative 2 (A2-3, p. 14). In the EA (p. 14), the Forest stated that Unit 15 was completed and would not be included in the alternative. However, in the EA (p. 103) under *Areas Analyzed for Wilderness Attributes*, deleting Unit 15 from Alternative 2 still needs to be done.

- To aid in understanding, label, title, and/or give the maps a page number. Refer to maps in the IRA write up.

- In the DN (p. 13), remove the statement under vegetation about "the scale of treatment should provide a wider..."

- In the DN FONSI (p. 17), under the greater sage-grouse discussion, explain that the primary rationale behind determining that this project will have beneficial impacts to sagebrush species is that sagebrush habitat in the project area is currently largely unsuitable for sagebrush associated species due to conifer colonization.

- Clarify the elk calving analysis and the impacts the management will have on elk calving habitat.

**SUMMARY**

I have reviewed your assertions that the Trapper Creek project violates various environmental laws, regulations, policies, and the Beaverhead-Deerlodge Forest Plan. My review finds the Trapper Creek project is in compliance with these laws, regulations, policies, and the Forest Plan. Once the Forest completes the changes necessary to add clarity to the project documentation, the responsible official may sign her decision on the Trapper Creek project.

My review constitutes the final administrative determination of the Department of Agriculture; no further review from any other Forest Service or USDA official of my written response to your objection is available (36 CFR 218.11(b)(2)).

Sincerely,

*/s/ David E. Schmid*
DAVID E. SCHMID
Deputy Regional Forester
Objection Reviewing Officer

cc: Melany I Glossa
Russell Riebe
Peri R Suenram
Ray G Smith